

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOLDEN GATE WAY, LLC,

Plaintiff,

v.

ENERCON SERVICES, INC., et al.,

Defendants.

Case No. [20-cv-03077-EMC](#) (AGT)

ORDER RE: DISCOVERY DISPUTE

Re: Dkt. No. 60

ERM has asked the undersigned to compel GGW to supplement its responses to Requests for Admission Nos. 1–4 and 11, and to Interrogatories Nos. 1–4, 8–10, and 13–15.

Judge Chen has permitted the parties to engage in only “limited discovery in preparation for meaningful mediation.” ECF No. 45 at 1. As to written discovery requests in particular, he has permitted ERM to propound only “focused written discovery” regarding “any amendment of the complaint and the basis therefore,” “current site conditions,” and the “basis of any claims of unenforceability of [contractual] limitations on liability.” *Id.* at 1–2.

Having reviewed the discovery requests in question, the undersigned finds that only one of them, RFA No. 11, falls within the categories of discovery currently permitted. The other requests, which largely focus on questions of causation and on how conditions at the site have changed over time, exceed the bounds of the current discovery order. ERM’s request to compel further responses to these requests is thus denied, without prejudice to ERM renewing its request after the next case management conference, if mediation is unsuccessful.

As for RFA No. 11, which asks GGW to “admit that contamination at the subject property continues to migrate in groundwater from beneath the subject property at least yearly,” ECF No. 60-1 at 8 (emphasis omitted), this request relates to current site conditions at the property, which is an authorized subject for pre-mediation discovery. ERM’s objections to RFA No. 11 (i.e., that the

request calls for premature disclosure of expert opinions and analysis, and that the request is overbroad and ambiguous) are unpersuasive. GGW must amend its response either to admit, to deny, or to provide a qualified response to this request. *See* Fed. R. Civ. P. 36(a)(4).

IT IS SO ORDERED.

Dated: January 7, 2021



ALEX G. TSE
United States Magistrate Judge